

REMARKS

The specification has been amended as requested by the Examiner. A terminal disclaimer is included herewith, also as requested by the Examiner.

In the Office action dated November 30th, 1998, the Examiner rejected claims 1, 2, 5, 6, 7, 9, 10, 11, 14, 15, and 16 under 35 U.S.C. §102(b) as anticipated by *Lin*, U.S. #5,186,030 and claims 3, 4, 8, 12, and 13 under 35 U.S.C. §103(a) as obvious in light of *Lin*. Applicant respectfully traverses the aforementioned §102(b) and §103(a) rejections.

Regarding the §102(b) rejection of claims 1, 2, 5, 6, 7, 9, 10, 11, 14, 15, and 16, *Lin* claims and describes an actuating wheel 5 which has a torsional coil spring 4 attached thereto. The actuating wheel 5 of *Lin* is not an equivalent element to the "rotational means" of Applicant's claim 1, onto which applicant applies his biasing or spring means. That is, the "rotational means" of Applicant's claim 1 represents the outer ring mechanism which turns. Applicant places his biasing or spring means onto this outer element and not onto the actuating wheel 5 as shown in *Lin*. The biasing or spring mechanisms are distinctly different, operate on different portions of the lock assembly, are not interchangeable, and provide a different functionality. Applicant's biasing or spring means assures a positive return without binding, *Lin* does not.

Lin further describes a rotatable ring 2 having a plurality of ratchet teeth 22 which engage a tooth 51 of said actuating wheel 5. Applicant's rotatable ring has no ratchet teeth and requires no ratchet teeth for proper operation. *Lin*'s ratchet teeth further place a limitation on *Lin* which Applicant has purposefully overcome. That is, for *Lin* to utilize his device in another rotational direction requires that *Lin* furnish a rotatable ring 2 with oppositely cut ratchet teeth 22. Applicant overcomes this problem by providing a rotatable ring which rotates and functions in any rotational direction via the action of a radial finger. A clear improvement over the art of *Lin*. That is, Applicant's design will function with a right or left handed door without supplying additional parts. In the mechanical arts, there is a recognized distinction between ratchet teeth as shown in *Lin* and a radial finger as described in Applicants specification and claims.

Lin further discloses a rotatable ring 2 placed within a base 3. Applicant places his rotational ring external to a body and a locator ring. The operation of each are distinct, the forms are distinct, and the parts placement is different. Furthermore, the rotatable ring 2 of *Lin* may bind with the lock 1 of *Lin* if the screws 15 are inadvertently overtightened. Applicant's art overcomes this problem with his body and locator ring which form a cavity for rotational ring placement without contacting or binding with the lock as in *Lin*. Overtightening of Applicant's device will not interfere with proper operation of Applicant's rotating ring.

The design of *Lin* also requires a specifically shaped spring to actuate the actuating wheel 5 and ensure engagement with *Lin*'s ratchet teeth 22. Applicant does not require such a strictly designed energy storage element. Applicant's design is specifically designed to function with torsional, torsional coiled, coiled compression, or coiled extension springs. Applicant's design provides the versatility which allows more inexpensive off-the-shelf spring components to be utilized.

Lin requires that a torsional coiled spring 4 having an upright end 41 and a looped end 42 and sized to fit over his actuating wheel 5. Applicant purposefully requires no such specialty spring components.

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. Akzo N.V. v. U.S. International Trade Commission, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987). As aforesaid, *Lin*'s components are limited to the art described in *Lin* and do not enable the unique features present in Applicant's claims. If *Lin* was enabling, then at a bare minimum, it must present the functionality which Applicant presents through the embodiments described in the claims rejected under §102. This it does not. Instead, *Lin* presents a device which may not be utilized for right and left handed doors which further may present binding problems when utilized. Exact problems which Applicant's art has overcome.

Further relating to *Lin*, invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). As aforesaid, Applicants' invention as described in the claims differentiates Applicant's improved art from the elements and disclosure in *Lin*.

Regarding the §103(a) rejection of claims 3, 4, 8, 12, and 13 as obvious in light of *Lin*, applicant hereby incorporates by reference all remarks made regarding *Lin* as applied to the aforementioned §102 rejection. Specifically regarding the spring selection, as aforementioned, *Lin* requires utilization of only one type of torsional coiled spring 4. *Lin*'s spring design must follow a specific form and shape and is not an off-the-shelf part. If the art of *Lin* could utilize a spring of various shapes or styles, *Lin* would have described such in his specification. Instead *Lin* chose to describe a specific type of spring with a specialty size and ends which cannot be purchased off-the-shelf. *Lin* further chose to drive his actuating wheel 5 with the spring instead of the outer ring. This presents a binding problem which Applicant's art does not have.

Regarding the paddle actuator of Applicant's claim 8, *Lin* again utilizes a ratchet teeth 22 and actuating wheel 5 arrangement which does not have physical room to accommodate a paddle actuator. That is, with *Lin*'s spring 4 mounting over the actuating wheel 5, use of a paddle actuator would at a minimum bind *Lin*'s spring 4. This is in strict contrast to Applicant's body and rotational means which provides room for use of a paddle actuator. *Lin*'s design is very limited as to what new features may be added to the design and yet allow functionality of the design.

The Federal Circuit now uses the suggestion test to assess obviousness rejections. In the case of *In re Kotzab*, 55 USPQ2d 1313 (Fed Cir. 2000), the Federal Circuit stated that "to establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was

made by the applicant.” (the term “*specific*” is emphasized) *Lin*, alone or in combination with the other cited references, does not provide a motivation, suggestion, or teaching of the desirability of the spring or actuator combination of Applicant. If fact, *Lin* specifically ignores the advantages of utilizing off the shelf springs of various forms or utilization of a paddle actuator. The motivating suggestion must also be explicit. *Winner International Royalty Corp. v. Wang* 48 USPQ2d 1139, (D.C.D.C. 1998). The fact that prior art “may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 922 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). Again, *Lin*, alone or in combination with the other cited references, does not suggest the desirability of Applicant’s art or the unique multidirectional operation which Applicant has provided with his unique ring, body, locator, and spring combination.

In view of the foregoing, the claims along with their corresponding dependent claims are herewith submitted as patentable. Accordingly, favorable reconsideration and allowance of this application is requested.

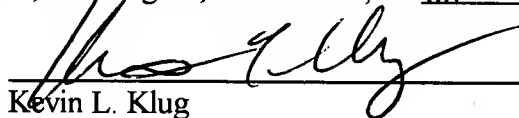
Respectfully submitted,



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CERTIFICATE OF MAILING

I certify that the foregoing **AMENDMENT A** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box Non-Fee Amendment, Washington, D.C. 20231, on MARCH 20, 2002.


Kevin L. Klug